

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

JONATHAN LEE RICHES,

Petitioner,

v.

Civil Action No. 1:08cv45

**MICHAEL G. THEVIS
BUREAU OF PRISONS,
FCI WILLIAMSBURG,**

Respondents.

TRANSFER ORDER

Petitioner is a federal prisoner who seeks a writ of habeas corpus under 28 U.S.C. § 2241. The proper respondent in a habeas corpus case is the petitioner's warden or immediate custodian. Rumsfield v. Padilla, 542 U.S. 426 (2004). At the time Mr. Riches filed this pleading, he was incarcerated at FCI Williamsburg. Inasmuch as that facility is not within this judicial district, the court lacks personal jurisdiction over Mr. Riches custodian.

Based on the foregoing, this court lacks jurisdiction over petitioner's custodian for purposes of 28 U.S.C. § 2241. The Court finds it in the interests of justice and judicial economy to transfer the case. Therefore, this case is hereby TRANSFERRED to the United States District for the District of South Carolina for all further proceedings. 28 U.S.C. § 1406(a). Whether petitioner should be permitted to proceed is a determination to be made by the transferee court.

The Clerk of this Court is directed to mail a copy of this Order to the petitioner, and to mail the original court file to the Clerk of the Court of the United States District Court for the District of South Carolina, 901 Richland Street, Columbia, South Carolina 29201. Petitioner is hereby directed to send any further correspondence or filings in this matter to that address.

IT IS SO ORDERED.

ENTER: January 23, 2008.

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE